

# Average Wholesale Price Litigation

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## If You Are a Third-Party Payor Based In or With Beneficiaries In Massachusetts and You Made Reimbursements For Any of the Following Drugs:

**Albuterol Sulfate**

**Etopophos** (etoposide phosphate)

**Perphenazine**

**Remicade** (infliximab)

**Temodar** (temozolomide)

**Blenoxane** (bleomycin sulfate)

**Intron A** (interferon alpha)

**Procrit** (epoetin alfa)

**Rubex** (doxorubicin hcl)

**VePesid** (etoposide)

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**Cytotoxan** (cyclophosphamide)

**Paraplatin** (carboplatin)

**Proventil** (albuterol sulfate)

**Taxol** (paclitaxel)

**Zoladex** (goserelin acetate)

## These Class Action Lawsuits May Affect Your Rights.

There are class action lawsuits pending in the U.S. District Court for the District of Massachusetts. The litigation is called *In re: Pharmaceutical Industry Average Wholesale Price Litigation*, Docket No. 01-CV-12257-PBS.

### What is this Lawsuit About?

The lawsuits claim that certain drug companies intentionally reported false and inflated average wholesale prices ("AWP") for certain types of outpatient drugs. The reported AWP's may be used to set prescription drug prices that are paid by insurers and other Third Party Payors ("TPPs"). The lawsuits ask the Court to award money damages to some TPPs who made reimbursements for the drugs. (For more about the Plaintiffs' claims [click here](#)). Defendants deny the allegations of the lawsuits. (For more on what Defendants say about the suits [click here](#)). The Court has not yet decided who is right in this litigation. A series of trials and hearings will determine the claims in these lawsuits. An initial trial including all Defendants will begin in November 2006.

### IMPORTANT DATES & DEADLINES

Request  
Exclusion: Must be received by  
**October 1, 2006**

Initial Trial  
Begins: **November 2006**

### Who is in the Classes?

A TPP is a member of the MediGap TPP Class if it made reimbursements for all or part of its insured's 20% co-payment under Medicare Part B for Covered Drugs anytime between January 1, 1991 and January 1, 2005 or

A TPP is a member of the Private Payor TPP Class if it reimbursed for Covered Drugs outside of Medicare Part B based on a contract that uses AWP as a reimbursement benchmark anytime between January 1, 1991 and January 1, 2006.

In order to be member of either the MediGap TPP Class or the Private Payor TPP Class, the reimbursements must have been for a beneficiary in Massachusetts or the Third Party Payor must have its principal place of business in Massachusetts.

## Summary of Your Rights and Choices

You May:

Remain in  
the Classes:

***Stay in the lawsuits and wait for the result.***

By doing nothing, you stay in the Classes and may share in any recovery, if there is one, but you give up the right to sue these Defendants yourself about the claims in these lawsuits. You will also be bound by the outcome of any trial, whether those results are favorable or unfavorable to the class.

[More Information](#)

**Due Date:** Do Nothing

**Exclude  
Yourself:**

***Get out of the Classes.***

You can write and ask to get out of either or both of the Classes. If any money is awarded later in a trial or settlement with any of the four Defendants in the Classes, you will not get any payment, but you keep the right to sue those Defendants on your own about the claims in these lawsuits.

[More Information](#)

**Due Date:** Received by October 1, 2006

**Appear in  
the  
Lawsuits:**

***Participate in the lawsuits on your own or through a lawyer.***

If you don't exclude yourself, you can appear and speak in the lawsuits on your own or through your own lawyer. (Class Counsel has been appointed to represent you.)

[More Information](#)

## APPENDIX I

Company		NDC		Description
AstraZeneca		00310096036		Zoladex 3.6mg 1x1EA Depot
AstraZeneca		00310096130		Zoladex 10.8mg 1x1EA Depot
AstraZeneca		00310095130		Zoladex 10.8mg 1x1EA Depot
AstraZeneca		00310095036		Zoladex 3.6mg 1x1EA Depot
BMS Group		00015301026		Blenoxane INJ 15 UNIT VHA
BMS Group		00015301020		Blenoxane INJ 15 UNIT VL
BMS Group		00015306326		Blenoxane INJ 30 UNIT VHA
BMS Group		00015306301		Blenoxane INJ 30 UNIT VL
BMS Group		00015053910		Cytosan 100mg LYOPH W/CYT
BMS Group		00015054812		Cytosan 1g 6x50ml VHA+
BMS Group		00015054810		Cytosan 1gm LYOPH W/CYTOG
BMS Group		00015054610		Cytosan 200mg LYOPH W/CYT
BMS Group		00015054912		Cytosan 2g 6x100ml VHA+
BMS Group		00015054910		Cytosan 2gm LYOPH W/CYTOG
BMS Group		00015054710		Cytosan 500mg LYOPH W/CYT
BMS Group		00015050001		Cytosan for INJ 100mg
BMS Group		00015050041		Cytosan INJ 100mg
BMS Group		00015050641		Cytosan INJ 1x2gm VIAL
BMS Group		00015050241		Cytosan INJ 1x500mg VIAL
BMS Group		00015050141		Cytosan INJ 200mg
BMS Group		00015054712		Cytosan LYO 500mg VL VHA
BMS Group		00015054741		Cytosan LYOPH 500mg
BMS Group		00015053941		Cytosan Lyophilized 100mg
BMS Group		00015054841		Cytosan Lyophilized 1gm
BMS Group		00015054641		Cytosan Lyophilized 200mg
BMS Group		00015054941		Cytosan Lyophilized 2gm
BMS Group		00015050541		Cytosan PINJ 1x1g VIAL
BMS Group		00015050303		Cytosan Tablets 50mg
BMS Group		00015050302		Cytosan Tablets 50mg
BMS Group		00015050401		Cytosan Tabs 25mg
BMS Group		00015050301		Cytosan Tabs 50mg
BMS Group		00015050348		Cytosan Tabs 50mg
BMS Group		00015340420		Etopophos 100mg VIAL
BMS Group		00015321429		Paraplatin 10x15ml VHA+
BMS Group		00015321529		Paraplatin 10x45ml VHA+
BMS Group		00015321329		Paraplatin 10x5ml VHA+
BMS Group		00015321410		Paraplatin 150mg LYOPH CY
BMS Group		00015321430		Paraplatin 1x150mg LYO VL
BMS Group		00015321530		Paraplatin 1x450mg LYO VL
BMS Group		00015321510		Paraplatin 450mg VL W/CYT
BMS Group		00015321330		Paraplatin 50mg LYOPHILIZ
BMS Group		00015321310		Paraplatin 50mg W/CYTO
BMS Group		00015335322		Rubex 100mg LYOPHILIZED
BMS Group		00015335324		Rubex 100mg IMMUNEX LABEL
BMS Group		00015335124		Rubex 10mg IMMUNEX LABEL
BMS Group		00015335122		Rubex 10mg LYOPHILIZED
BMS Group		00015335224		Rubex 50mg IMMUNEX LABEL
BMS Group		00015335222		Rubex 50mg LYOPHILIZED

## APPENDIX I

Company		NDC		Description
BMS Group		00015347630		Taxol 100mg INJ MULTIDOSE
BMS Group		00015347627		Taxol 100mg SEM-SYN VIAL
BMS Group		00015347620		Taxol 100mg/16.7ml VHA+ L
BMS Group		00015347911		Taxol 300mg/50ml VIAL
BMS Group		00015345620		Taxol 30mg CONC FOR INJ
BMS Group		00015347530		Taxol 30mg INJ MULTIDOSE
BMS Group		00015347527		Taxol 30mg SEM-SYN VIAL
BMS Group		00015347520		Taxol 30mg/5ml VHA+ LABEL
BMS Group		00015309510		VePesid 100mg VIAL W/CYTO
BMS Group		00015309530		VePesid 100mg VL W/O CYTO
BMS Group		00015306224		VePesid 1g 50ml VIAL VHA+
BMS Group		00015306220		VePesid 1gm/50ml
BMS Group		00015306120		VePesid 500mg
BMS Group		00015306124		VePesid 500mg 25ml VL VHA
BMS Group		00015309145		VePesid 50mg CAPSULES
BMS Group		00015309520		VePesid INJ 100mg/5ml
BMS Group		00015308420		VePesid INJ 150mg/7.5ml
Johnson & Johnson Group		57894003001		C168J Remicade 1PCK
Johnson & Johnson Group		59676031201		Procrit 10,000 U/ml
Johnson & Johnson Group		59676031002		Procrit 10,000 U
Johnson & Johnson Group		59676031001		Procrit 10,000 U/ml
Johnson & Johnson Group		00062740103		Procrit 10,000 U/ml AMG
Johnson & Johnson Group		59676032001		Procrit 20,000 U/ml
Johnson & Johnson Group		59676030202		Procrit 2,000 U/
Johnson & Johnson Group		59676030201		Procrit 2,000 U/ml 6
Johnson & Johnson Group		00062740201		Procrit 2,000 U/ml AMG
Johnson & Johnson Group		59676030302		Procrit 3,000 U/
Johnson & Johnson Group		59676030301		Procrit 3,000 U/ml 6
Johnson & Johnson Group		00062740503		Procrit 3,000 U/ml INST
Johnson & Johnson Group		00062740501		Procrit 3,000 U/ml AMG
Johnson & Johnson Group		59676030402		Procrit 4,000 U/
Johnson & Johnson Group		59676030401		Procrit 4,000 U/ml 6
Johnson & Johnson Group		00062740004		Procrit 4,000 U/ml INST
Johnson & Johnson Group		59676034001		Procrit 40,000 U/ml
Johnson & Johnson Group		00062740003		Procrit 4,000 U/ml AMG
Schering Plough Group		59930151504		Albuterol Inhalation Solution
Schering Plough Group		59930164702		Albuterol Inhalation Solution
Schering Plough Group		59930150006		Albuterol Sulfate Inhal. Sol.
Schering Plough Group		59930150008		Albuterol Sulfate Inhal. Sol.
Schering Plough Group		59930151701		Albuterol Sulfate Solution
Schering Plough Group		59930151702		Albuterol Sulfate Solution
Schering Plough Group		59930155020		Albuterol Sulfate Solution
Schering Plough Group		00085123501		Intron A FOR INJ MULTIDOSE PEN
Schering Plough Group		00085124201		Intron A FOR INJ MULTIDOSE PEN
Schering Plough Group		00085125401		Intron A FOR INJ MULTIDOSE PEN
Schering Plough Group		00085116801		Intron A INJ 18MIU HSA FREE
Schering Plough Group		00085113301		Intron A INJ 25MIU HSA FREE

**APPENDIX I**

<b>Company</b>		<b>NDC</b>		<b>Description</b>
Schering Plough Group		00085118401		Intron A INJ 3MIU HSA FREE
Schering Plough Group		00085118402		Intron A INJ 3MIU HSA FREE
Schering Plough Group		00085119101		Intron A INJ 5MIU HSA FREE
Schering Plough Group		00085119102		Intron A INJ 5MIU HSA FREE
Schering Plough Group		00085117901		Intron A INJ PAK10MIU HSA FREE
Schering Plough Group		00085117902		Intron A INJ PAK10MIU HSA FREE
Schering Plough Group		00085057102		Intron A INJECTABLE 10MILLN IU
Schering Plough Group		00085057106		Intron A INJECTABLE 10MILLN IU
Schering Plough Group		00085111001		Intron A INJECTABLE 18MILLN IU
Schering Plough Group		00085028502		Intron A INJECTABLE 25MILLN IU
Schering Plough Group		00085064703		Intron A INJECTABLE 3MILLN IU
Schering Plough Group		00085064704		Intron A INJECTABLE 3MILLN IU
Schering Plough Group		00085064705		Intron A INJECTABLE 3MILLN IU
Schering Plough Group		00085012002		Intron A INJECTABLE 5 MILLN IU
Schering Plough Group		00085012003		Intron A INJECTABLE 5 MILLN IU
Schering Plough Group		00085012004		Intron A INJECTABLE 5 MILLN IU
Schering Plough Group		00085012005		Intron A INJECTABLE 5 MILLN IU
Schering Plough Group		00085053901		Intron A INJECTABLE 50MILLN IU
Schering Plough Group		00085068901		Intron A INJECTION 18 MIU
Schering Plough Group		00085092301		Intron A SOL FOR INJ 10 MILLI
Schering Plough Group		00085076901		Intron A SOL. FOR INJ. 25MILLN
Schering Plough Group		00085095301		Intron A SOLUTION 18MIU 3ml
Schering Plough Group		59930160001		Perphenazine
Schering Plough Group		59930160002		Perphenazine
Schering Plough Group		59930161001		Perphenazine 16mg
Schering Plough Group		59930160501		Perphenazine 8mg
Schering Plough Group		59930160502		Perphenazine 8mg
Schering Plough Group		59930160301		Perphenazine TABLETS
Schering Plough Group		59930160302		Perphenazine TABLETS
Schering Plough Group		00085133601		Proventil INHALATION SOLUTION
Schering Plough Group		00085020901		Proventil SOLUTION .083mg/ml
Schering Plough Group		00085180601		Proventil SOLUTION .083mg/ml
Schering Plough Group		00085020802		Proventil SOLUTION 5mg/ml
Schering Plough Group		00085020852		Proventil SOLUTION 5mg/ml
Schering Plough Group		00085125901		Temodar 100mg
Schering Plough Group		00085125902		Temodar 100mg
Schering Plough Group		00085124401		Temodar 20mg
Schering Plough Group		00085124402		Temodar 20mg
Schering Plough Group		00085125201		Temodar 250mg
Schering Plough Group		00085125202		Temodar 250mg
Schering Plough Group		00085124801		Temodar 5mg
Schering Plough Group		00085124802		Temodar 5mg

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## Court Documents

- [List of Drugs, Manufacturers, Drug Dosages and NDCs](#)
- [Complaint](#)
- [Class Certification Order \(Jan 30, 2006\)](#)
- [Answers to Complaint](#)

Some documents may require the Adobe Acrobat Reader to be installed on your computer. You can download it [here](#) for free.



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## Basic Information

### 1. Why did I get the Notice?

Lawsuits have been filed against several drug companies. The Court has said that the lawsuits can go forward as class actions on behalf of consumers and TPPs who paid or reimbursed for one or more of the Covered Drugs, which are listed in Appendix I at the end of the Notice.

You received the Notice because you are a TPP that may have made reimbursements for Covered Drugs between January 1, 1991 and January 1, 2005 or between January 1, 1991 and January 30, 2006. If so, these lawsuits may affect you. Each TPP Class Member has legal rights and choices to make before the Court holds a series of trials to decide whether the claims being made with respect to the drug companies are true. The Court has not yet decided who is right in this litigation. At this time the court has certified that a series of trials and hearings will determine the claims in these lawsuits. An initial trial including all of the Defendants will begin in November 2006. **Each TPP Class Member must make a choice whether to remain in the Classes before October 1, 2006.**



The Notice explains:

- What these lawsuits are about, and why they are class action lawsuits.
- What these lawsuits claim and what the drug companies say about the claims.
- Who is affected by the lawsuits.
- What TPP's legal rights and choices are.
- Who represents TPP Class Members in these lawsuits.
- How and by when each TPP Class Member needs to act.

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## 2. What are these lawsuits about?

Plaintiffs allege Defendant drug companies either report the average wholesale price ("AWP") of each drug they make to trade publications or provide those publications with information from which the publications calculate an AWP for each of Defendants' drugs. The published AWP of a drug may be used to set the price that consumers making co-payments, Medicare and insurance companies will pay for the drug. The lawsuits claim that Medicare, private insurers, and consumers paid more than they should have paid for the Covered Drugs because drug companies intentionally reported false and inflated AWP's on these drugs.

The Court in charge of the lawsuits is the United States District Court for the District of Massachusetts. The litigation is called *In re: Pharmaceutical Industry Average Wholesale Price Litigation*, Docket No. 01-CV-12257-PBS. The people who sued are called the Plaintiffs. The drug companies they sued are called the Defendants.

The lawsuits include 42 Defendants. The Defendants deny the allegations in the lawsuits. The Court has not yet decided who is right in this litigation. At this time the court has certified that a series of trials and hearings will determine the claims in these lawsuits. An initial trial including all of the Defendants listed below will begin in November 2006:

- AstraZeneca (AstraZeneca Pharmaceuticals L.P.);
- The Bristol-Myers Squibb Group (which includes: Bristol-Myers Squibb Co.; Oncology Therapeutics Network Corp.; and Apothecon, Inc.);
- The Johnson & Johnson Group (which includes: Johnson & Johnson; Centocor, Inc.; Ortho Biotech Products, L.P.; and
- The Schering Plough Group (which includes Schering-Plough Corp. and Warrick Pharmaceuticals Corp.).

Whenever you see the word "Defendants" in this Notice, it includes only the companies listed above: AstraZeneca, Bristol-Myers Squibb Group, Johnson & Johnson Group and the Schering Plough Group.

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## 3. Why are these class actions?

In a class action lawsuit, one or more people or entities called "class representatives" sue on behalf of others who have similar claims. The people and entities together are a "class" or "class members." The Court must determine if it will allow the lawsuit to proceed as a class action. If it does, a trial of the claims then decides the lawsuit for everyone in the class. The Court in these lawsuits decided they could be class actions.

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## 4. Who qualifies as a Third-Party Payor?

A TPP is an entity that is:

(a) A party to a contract, issuer of a policy, or sponsor of a plan, *and*

(b) At risk, under such contract, policy, or plan, to pay or reimburse all or part of the cost of prescription drugs dispensed to covered natural persons.



TPPs include insurance companies, union health and welfare benefit plans and self-insured employers. Entities with self-funded plans that contract with a health insurance company or other entity to serve as a third-party claims administrator to administer their prescription drug benefits can qualify as TPPs. Third-party claim administrators may also file a claim on behalf of a self-funded plan if the third-party claim administrator has legal authority and authorization from the self-funded plan to do so.

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## The Claims in these Lawsuits

### 5. What do the Plaintiffs claim?

The Plaintiffs claim that the Defendants violated various state consumer protection laws because they intentionally provided false and inflated AWP's on certain types of outpatient drugs, including the Covered Drugs. The lawsuits also claim that the Defendants intentionally reported inflated AWP's with the knowledge that Medicare Part B and private insurers rely on reported AWP's to determine the prices they will reimburse doctors for those drugs. The lawsuits say that as a result of the inflated AWP's, TPPs who reimburse part or all of their insured's co-payment under Medicare Part B or who used AWP as a pricing standard for reimbursement for those drugs outside of Medicare Part B, reimbursed more than they should have. The lawsuits ask the Court to award money damages to those TPPs.

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### 6. What do the Defendants say about the claims?

The Defendants deny the factual allegations being made; contend that the lawsuits and damages are precluded under the law; contend that the alleged conduct, if proved, does not violate the Massachusetts consumer protection law, and that many class members will not be able to establish elements of that law, or prove they paid payments for the subject drugs.

In addition, Bristol-Myers Squibb points out that it does not report AWP's; it reports list prices at which a substantial percentage of its sales are made. The Johnson & Johnson Group says that Plaintiffs did not calculate Johnson & Johnson's drug prices correctly and, when these errors are corrected, it is obvious that the published prices for Johnson & Johnson drugs were not inflated. The Johnson & Johnson Group points out that it did not give doctors discounts on the drug Remicade, and the small discounts it gave to doctors on the drug Procrit were disclosed. The Johnson & Johnson Group says its drugs are less expensive than competing therapies, so Class Members who reimbursed for Johnson & Johnson's products saved money. The Schering Plough Group notes that the prices they report comport with standard industry practice.

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### 7. Has the Court decided who is right in the lawsuits?

No. The Court hasn't decided who is right in these lawsuits yet. Much more must occur before the Court holds a trial, including notifying Class Members. By deciding now that these lawsuits can continue as a class action, the Court isn't saying who will win.

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### 8. Are there any benefits or money available now?

No money or benefits are available now because the Court hasn't decided whether the Defendants did anything wrong. There could be money or benefits in the future if one or more Defendants settle before a trial, or if the Court decides in favor of the Classes after a trial. There's no guarantee that any money for Class Members will ever be obtained from the Defendants.

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## The Classes

#### 9. How many Classes are there?

The Court has ruled that there are two different Classes for TPPs who reimbursed for Covered Drugs: a MediGap TPP Class, and a Private Payor TPP Class. A TPP could be a member of one or both Classes.

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#### 10. Who is in the Classes?

A TPP is a member of the MediGap TPP Class if it made reimbursements for all or part of its insured's 20% co-payment under Medicare Part B for Covered Drugs anytime between January 1, 1991 and January 1, 2005 **or**

A TPP is a member of the Private Payor TPP Class if it reimbursed for Covered Drugs outside of Medicare Part B based on a contract that uses AWP as a reimbursement benchmark anytime between January 1, 1991 and January 1, 2006.

In order to be member of either the MediGap TPP Class or the Private Payor TPP Class, the reimbursements must have been for a beneficiary in Massachusetts or the Third Party Payor must have its principal place of business in Massachusetts.

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#### 11. What are the Covered Drugs?

The Covered Drugs are: **Albuterol Sulfate**, **Blenoxane** (bleomycin sulfate), **Cytosan** (cyclophosphamide), **Etopophos** (etoposide phosphate), **Intron A** (interferon alpha), **Paraplatin** (carboplatin), **Perphenazine**, **Procrit** (epoetin alfa), **Proventil** (albuterol sulfate), **Remicade** (infliximab), **Rubex** (doxorubicin hcl), **Taxol** (paclitaxel), **Temodar** (temozolomide) **VePesid** (etoposide) and **Zoladex** (goserelin acetate)

You can find a complete list of the Covered Drugs, by Defendant drug manufacturer, drug name, and NDC code, in Appendix I to the Notice or [click here](#) to view the list in PDF format.

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#### 12. What does it mean if I'm a member of either or both of the Classes?

If a TPP is a member of either of the Classes listed in Question 9 and does not exclude itself, it won't be able to sue the Defendants again for the claims in these lawsuits if the Court, after a trial, decides Defendants did nothing wrong. But if there is an award of money after a trial or a settlement with any of the remaining Defendants, a TPP that does not exclude itself will be able to make a claim for a share of that money.

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### Your Rights As A Member Of The Classes

#### 13. How do I remain in either or both of the Classes?

A TPP is automatically a member of either or both of the Classes if it fits the Class Definitions as outlined in Question 10. At this time, a TPP does not have to do anything to remain in either or both of the Classes. Each TPP will be notified if there is a settlement with any of the Defendants or if the Court determines that any of the Defendants are liable for damages as a result of the trials.

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#### 14. Can I get out of these lawsuits and the Classes?

If a TPP is a member of either or both of the Classes, and it wants to keep the right to sue Defendants

AstraZeneca, Bristol-Myers Squibb Group, Johnson & Johnson Group, or Schering Plough Group about the same claims on its own (and at its own expense), it must take steps to get out of the either or both of the Classes. This is called excluding yourself.

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#### **15. How does a TPP exclude itself from either or both of the Classes?**

To exclude itself from either or both of the Classes, a TPP must send a letter signed by an authorized representative that includes all of the following:

- The company name, address, and telephone number, and the name of its authorized representative;
- The name and number of the litigation: *In re: Pharmaceutical Industry Average Wholesale Price Litigation*, Docket No. 01-CV-12257-PBS;
- If a TPP has hired its own lawyer, the name, address, and telephone number of that lawyer;
- A statement that the TPP elects to be excluded from the either the MediGap TPP Class or the Private Payor TPP Class, or both Classes; and
- A statement explaining from which Defendant Class or Classes the TPP wishes to be excluded.

All exclusion letters must be mailed first class, **received by October 1, 2006**, to:

AWP Litigation Administrator  
c/o Complete Claim Solutions, LLC  
P.O. Box 24654  
West Palm Beach, FL 33416

Please remember that a Class Member can't exclude itself by phone or by sending an email.

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#### **16. What happens if a TPP excludes itself, can it get any money or benefits from these lawsuits?**

If a TPP excludes itself from either or both of the Classes, it will not get money or benefits from the Class(es) if any are obtained from a settlement or trial of the lawsuits involving the Defendants. If a TPP excludes itself, it is no longer part of the Classes, and nothing that happens in the lawsuits affects it. But a TPP that properly excludes itself can sue or be part of a different lawsuit against the Defendants about the claims in this case.

If you do not exclude yourself, you are bound by the result in the lawsuits. Thus, if Defendants win, your claim will be extinguished, Defendants claim that the persons and entities representing your interests do not have a valid claim and if that is correct, your claim will be extinguished unless you exclude yourself.

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#### **17. Can a TPP Class Member appear or speak in these lawsuits?**

As long as it doesn't exclude itself, a TPP Class Member can (but does not have to) participate and speak for itself in these lawsuits through its own lawyer. This is called making an appearance. Remember that the TPP Class Member may have to pay for the lawyer itself. If a TPP Class Member appears in these lawsuits, it is still a Class Member and can share in any benefits the Classes might receive as a result of settlements or trials.

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#### **18. How does a TPP Class Member appear in these lawsuits?**

If a TPP Class Member wants its own lawyer instead of Class Counsel to participate or speak for it in these lawsuits, its lawyer must give the Court a paper that is called a Notice of Appearance. The Notice of Appearance should include the name and number of the litigation, the civil action number and state that it wishes to enter an appearance in these lawsuits.

The Notice of Appearance must be filed with the Court at the following address:

Clerk of Court  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 2300  
Boston, Massachusetts 02210

The Notice of Appearance must be filed using the following Civil Action Number:

01-CV-12257-PBS

A Notice of Appearance should be filed with the Court before the series of trials of each Defendant in these lawsuits begin. The Court has not yet decided who is right in this litigation and will conduct a trial of the claims against each Defendant as they relate to TPPs beginning in November 2006.

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## If You Do Nothing

### 19. What happens if a TPP Class Member doesn't do anything at all?

If a TPP does nothing, it stays in one or more of the Classes. As a member of one or more Class, it will be bound by the results of one or more trials, whether those results are favorable or unfavorable to the Class, and the TPP will not be able to sue any Defendant(s) on its own. Depending on the outcome of the Class trial or trials or other rulings by the Court, in the future Class Members may be asked to provide information regarding the drugs they paid for in order to claim a portion of any class recovery. You will receive further instructions at that time explaining what information you are required to furnish and where and when to send it if there is a recovery or settlement. There is no recovery or settlement at this time.

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## The Lawyers Representing TPP Class Members

### 20. Do TPP Class Members have a lawyer in these lawsuits?

Yes. The Court has appointed the following law firms to represent TPP Class Members:

**Hagens Berman Sobol Shapiro  
LLP**

[www.hagens-berman.com](http://www.hagens-berman.com)  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101

**and**

One Main Street, 4th Floor  
Cambridge, MA 02142

**Spector Roseman & Kodroff, PC**

[www.srk-law.com](http://www.srk-law.com)  
1818 Market Street, Suite 2500  
Philadelphia, PA 19103

**Wexler Toriseva Wallace LLP**

[www.wtwlaw.us](http://www.wtwlaw.us)  
One North LaSalle St., Suite 2000  
Chicago, IL 60602

**Mark H. Edelson**

Edelson & Associates LLC  
45 West Court Street  
Doylestown, PA 18901

**Kline & Specter, PC**

[www.klinespecter.com](http://www.klinespecter.com)  
The Nineteenth Floor  
1525 Locust Street  
Philadelphia, PA 19102

These lawyers are called Class Counsel. Class Members won't be charged personally for these lawyers, but they will ask the Court to award them a fee to be paid out of any recovery. More information about Class Counsel and their experience is available at the Web sites listed above.

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**21. Can you elaborate on who pays Class Counsel and how much will they be paid?**

If Class Counsel obtains money or benefits for the Classes through a settlement or a successful trial, they will ask the Court for payment of attorneys' fees and costs out of the total amount of money and benefits obtained. The Court must approve the amount of attorneys' fees and costs. If Class Counsel doesn't obtain any money or benefits for the Classes, they won't receive or ask to receive any attorneys' fees or reimbursement of expenses.

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**22. Should a TPP Class Member get its own lawyer?**

A TPP Class Member doesn't need to hire its own lawyer, but, if a TPP wants its own lawyer to speak for it or appear in Court, it must file a Notice of Appearance (see Question 18 to find out how to submit a Notice of Appearance). If a Class Member hires a lawyer to appear for it in the lawsuits, it will have to make its own arrangement for that lawyer's compensation.

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**Getting More Information****23. Are more details and information available?**

The Notice is just a summary of the lawsuits. More details are in the Complaint filed by Class Counsel and the other legal documents that have been filed with the Court in these lawsuits. Anyone can look at and copy these legal documents at any time during regular office hours at the Office of the Clerk of Court, John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Suite 2300, Boston, Massachusetts 02210. Copies of some of the important documents, like the Complaint, are also available at the links on the left.

In addition, if you have any questions about the lawsuits or the Notice, you may:

- Call toll free 1-800-419-5391 (hearing impaired call 1-561-253-7732)
- Write to: AWP Litigation Administrator, c/o Complete Claim Solutions, LLC, P.O. Box 24654, West Palm Beach, FL 33416.

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**24. How will I be notified about the outcome of the trials?**

Information about the trials will be posted on this Web site as appropriate. You may also register on this Web site or by mail to get notification of the outcome of the litigation and other significant occurrences associated with these cases. To register by mail send a letter to the AWP Litigation Administrator at the address in Question 23. To register on this Web site, go to the "Register to Receive Email Updates" at the link on the left.



# Average Wholesale Price Litigation

Class Action Information

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@NDCs](#)[Court Documents](#)[Frequently Asked  
Questions](#)[Register to Receive  
Email Updates](#)[Contact Information](#)

## Register to Receive Email Updates

\* = Required fields

### Registration

First Name\*:

Last Name\*:

Title:

Organization\*:

Address Line 1:

Address Line 2:

City:

State/Province:

ZIP/Postal Code:

Country:

UNITED STATES OF AMERICA

**Enter your email address in both boxes below:**

Email\*:

Confirm Email\*:



# Average Wholesale Price Litigation

Class Action Information

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## Contact Information

[TPP Notice](#)

[List of Drugs  
@NDCs](#)

AWP Litigation Administrator  
c/o Complete Claim Solutions, LLC  
PO Box 24654  
West Palm Beach, FL 33416

[Court Documents](#)

[AWPInfo@completeclaimsolutions.com](mailto:AWPInfo@completeclaimsolutions.com)

[Frequently Asked  
Questions](#)

If you would like to speak with the Administrator's  
Office, please call toll-free:  
1-800-419-5391

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